

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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:  
UTICA MUTUAL INSURANCE COMPANY, :  
:  
Plaintiff, :  
:  
v. :  
:  
FIREMAN’S FUND INSURANCE COMPANY, :  
:  
Defendant. :  
:  
----- X

No. 6:09-CV-0853 (DNH/GHL)

**PLAINTIFF UTICA MUTUAL INSURANCE COMPANY’S MOTION TO STRIKE**

As set forth in Plaintiff Utica Mutual Insurance Company’s Memorandum of Law and declaration submitted with this Motion, Utica moves this Court to strike parts of Defendant Fireman Fund Insurance Company’s filings in opposition to Utica’s Motion for Protective Order that improperly contain or rely on confidential information in violation of an Order from an Arbitration Panel and confidentiality agreements.

Pursuant to the Stipulated Protective Order Regarding Confidential Items and Information, signed by Magistrate Judge George H. Lowe on July 22, 2011, Utica’s Memorandum of Law and accompanying declaration (and exhibits) are filed under seal.

On November 1, 2011, a court conference with Magistrate Judge Lowe was held regarding the issues presented in the Motion.

Utica requests oral argument on its Motion to Strike.

Pursuant to Local Rule 7.1, the return date for the Motion is January 5, 2012.

Dated: Fairfax, Virginia  
November 15, 2011

HUNTON & WILLIAMS LLP

BY: /s/ Syed S. Ahmad  
Walter J. Andrews  
(N.D.N.Y. Bar No. 106051, admitted *pro hac*  
*vice*)  
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- and -

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*Attorneys for Defendant*  
*Fireman's Fund Insurance Company*

**DECLARATION OF SERVICE**

Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that:

I am the Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Plaintiff Utica Insurance Company.

That on November 15, 2011, I served a true copy of the attached on counsel of record, at the addresses listed below, via First-Class Mail, by depositing the same in a duly-enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America, within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2011.

/s/Bradford C. Mulder  
Bradford C. Mulder

TO: John F. Finnegan, Esq.  
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